

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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DEBORAH STAMPFLI, an individual,  
Plaintiff,

v.

SUSANVILLE SANITARY DISTRICT, a  
political subdivision of the  
State of California; STEVE J.  
STUMP, in his individual and  
official capacities; JOHN  
MURRAY, in his individual and  
official capacities; ERNIE  
PETERS, in his individual and  
official capacities; DAVID  
FRENCH, in his individual and  
official capacities; KIM ERB, in  
his individual and official  
capacities; MARTY HEATH, in his  
individual and official  
capacities; DOES I-V, inclusive;  
BLACK & WHITE CORPORATIONS I-V;  
and ABLE & BAKER COMPANIES,  
inclusive,

Defendants.

No. 2:20-cv-01566 WBS DMC

ORDER DENYING PLAINTIFF'S  
MOTION TO LIFT STAY FOR  
LIMITED DISCOVERY<sup>1</sup>

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<sup>1</sup> The motion is decided on the papers without oral  
argument pursuant to Local Rule 230(g).


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Defendant Steve J. Stump has appealed this court's denial of his motion for summary judgment on the issue of qualified immunity. (See Docket Nos. 113, 114, 117). This court recently granted defendant's unopposed motion to stay the case pending appeal. (Docket No. 123.) Having failed to file an opposition to defendant's motion to stay, plaintiff now moves to partially lift the stay in order to conduct limited discovery, namely the deposition of non-party witness John Murray. (Pl.'s Mot. (Docket No. 124).)

The court concludes that plaintiff's counsel has failed to act diligently in obtaining the Murray deposition over the past seven months, despite counsel's longstanding awareness of Mr. Murray's health problems. Accordingly, the court declines to exercise its discretion to modify its previous order to permit plaintiff's attorney to take Mr. Murray's deposition while this matter is pending on appeal.<sup>2</sup>

IT IS THEREFORE ORDERED that plaintiff's motion to lift the stay to conduct limited discovery (Docket No. 124) be, and the same hereby is, DENIED.

Dated: May 30, 2023

  
WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE

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<sup>2</sup> At any rate, the court doubts whether a third deposition will prove fruitful, given that Mr. Murray was unable to complete the first two depositions due to his confusion and inability to answer questions.